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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,763	10/23/2003	Scott J. Clifford	132815-0007	6713

43935 7590 03/06/2009  
FRASER CLEMENS MARTIN & MILLER LLC  
28366 KENSINGTON LANE  
PERRYSBURG, OH 43551

EXAMINER

KOCH, GEORGE R

ART UNIT

PAPER NUMBER

1791

NOTIFICATION DATE

DELIVERY MODE

03/06/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

miller@fraser-ip.com

sloan@fraser-ip.com

clemens@fraser-ip.com

### Office Action Summary

**Application No.**

10/691,763

**Applicant(s)**

CLIFFORD ET AL.

**Examiner**

George R. Koch III

**Art Unit**

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 61-151 is/are pending in the application.
- 4a) Of the above claim(s) 102-151 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 61-101 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 102-151 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: They are directed towards a new robot system, and not a paint/coating applicator system. The claims can be interpreted as species, whereas species I is claims 61-101 which represent a modular system including two guide rails, plus the generic robot and paint applicator embodiment and species II is claims 102-151 which represent the no-waist robot, no claims as to the modular system and guide rails and generic tool embodiment.
2. The inventions as broken up can also be visualized as subcombinations usable together for the same reasons as noted above. Group/Species I claims elements such as a modular system with two guide rails, which is not required by group/species II. Group/species II requires no waist or a very defined 3 axis robot, which is not required by group I.
3. No claims are generic to either species.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 102-151 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

4. Applicant's election with traverse of group II in the reply filed on 3/19/2008 is acknowledged. However, group I was originally presented, therefore, group I is elected. The

traversal is on the ground(s) that some elements are in common. This is not found persuasive because there are elements that are not in common, as noted above.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 61, 63, 65, 67, 69-73, 77, 79-82, 86, 87, 89-92, 94-95, and 98-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeo (US Patent 4,721,630) in view of Yamamoto (US Patent 5,240,745) and either or both of Sugata (US 5,336,321) and Pearce (US 4,781,517)

As to claim 72, Takeo discloses a modular apparatus for performing a process on an object having an upper surface and sides conveyed to and from a location, comprising a pair of frame rails (items 11, see Figure 1) extending on opposite sides of a location and generally parallel to a path of conveyance of an object through the location, at least one robot arm (items 5<sub>1</sub> and 5<sub>2</sub>) mounted on an associated one of each of the frame rail, and a tool mounted on each of said at least one robot arms for performing a process on the object whereby the at least one robot arms move the tools relative to the object enabling the tools to perform processes on the objects. The robot arms are movable along the frame rail and pivotable at a shoulder axis. Takeo is capable of being modular.

Takeo does not disclose that there are at least two legs attached to each of the frame rails for supporting the frame rails above a plane of an upper surface of the object at the location, and at least one cross support member fixedly connecting the frame rails together to form a rigid structure with legs.

Yamamoto (especially with reference to Figure 15) discloses that it is known to elevate painting robots by placing them on cross support members (item 572) on elevated frame rails (item 518) mounted on legs (items 94a(b), 94c(d), and 38 - best seen in Figure 16). The cross support member connects the frame rails, forming a rigid structure with legs. One in the art would appreciate that elevated positioning would enable better coating of the roof of the car body, while still maintaining the capability of coating the sides of the car body. However, Yamamoto does not place the robots on the frame rails. Takeo does not place robots on both sides.

Both Pearce and Sugata disclose the concept of elevating a robot on frames, and placing a large portion of the robot underneath the frame.

Pearce discloses a modular apparatus with robots being extendable below the frame rails for performing a process on an object conveyed to and from a location comprising a pair of frame members (*see Figure 2, which discloses a fixed frame and a single robot attached to the two fixed frames*) extending on opposite sides of a location and generally parallel to a path of conveyance of an object through the location, at least two legs (items 13, 18, 19 and 20 in Figure 2) attached to each of the frame rails for elevating the frame rails above a plane of an upper surface of the object at the location, at least one cross support member (item 23 in Figure 2) connecting the frame members together to form a rigid frame structure with the legs, at least one

robot arm (items 71 and 114) mounted on an associated one of the frame members, and a tool mounted on the at least one robot arms for performing a process on the object whereby the at least one robot arms move the tools relative to the object enabling the tools to perform processes on the object. Pearce discloses, as shown in figure 2, that both frame rails are fixed as claimed, and at least one robot on the rails. The shoulder is below the rail.

Similarly, Sugata discloses a frame or modular apparatus. Sugata's robot is specifically a paint spraying robot (the title of the invention is paint apparatus). The robot includes a fixed frame rail (framework 51) and fixed cross beams (rack 12). Additionally, the robot is a multi-axis robot (column 4, lines 34-61, which discloses up to 5 axes), and Figure 1 shows that each robot has a shoulder, elbow, and wrist below the auxiliary axis and the racks. From the position of the joints in Figure 1, both the shoulder and elbow permit movement only in a generally vertical plane. Sugata places the shoulder nearly parallel to the rail.

Placing the robots on the frame rails in opposed configuration as in Pearce would enable symmetrical process of a car body and better processing or coating reach of the car roof as in Yamamoto. Raising the frame as in Sugata and lowering the robot to be even or below this frame improves access to the top surface of the substrate, and in the automobile field, would improve coating of the top of the substrate; additionally, Sugata suggests that this configuration reduces the amount of paint adhering to the robots and prevents interference of one robot by another (see column 2, lines 8-30). The cross support both Pearce, Sugata and Yamamoto would reduce the possibly of collapse by improving structural support.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized movable robots mounted on fixed elevated frame rails mounted on fix

legs in order to provide better coating reach of the car roof and to have utilized a cross support in order to provide structural support.

As to claim 73 and 77, Takeo discloses that each robot arm is a 6-axis robot with a wrist implement, with the non-wrist component of the arm having 3 axes, including axes for defining a generally vertical planar operating space, and the wrist component being connected to the free end of the arm and the tool, the wrist component having 3 axes (column 6, lines 48-64).

As to claim 79 and 80, Takeo discloses 6 axes of motion, including the four claimed, and the multiple axes of Takeo allow the shoulder axis to be offset as claimed.

As to claim 61, Takeo, as modified by Yamamoto and Pearce and applied to claim 1 above discusses the pair of frame rails mounted on opposite sides and extending generally parallel to the path of movement of the object (Takeo and Pearce), the frame rails being elevated above a plane of an upper surface of the object (see Pearce, Sugata and Yamamoto), the frame rails being connected together in a rigid frame structure (Pearce, Sugata and Yamamoto), at least one robot arm mounted on an associated one of each of said frame rails (Takeo), and that the robot arm is movable along the associated frame rail (Takeo, Sugata and Pearce), and that both frame rails cannot move *relative* to each other, and both frame rails do not move *relative* to said frame (Pearce). Similarly, Sugata discloses that the shoulder and elbow permit movement only in a generally vertical plane from the position of the joints in Figure 1.

Takeo further discloses that each robot arm has at least two axes of motion for movement in a generally vertical plane transverse to the path of movement of the object (see column 6, lines

48-64), and these axes are considered to be shoulder and elbow axes. Takeo also further discloses that the tool is a paint applicator (bell type atomizers 5<sub>i</sub>) mounted on each of the at least one robot arms (items 5<sub>1</sub> and 5<sub>2</sub>) and the arms move the paint applicators relative to the object while the paint applicators dispense paint to cover the upper surface and side surfaces of the object with paint.

As to claim 81, Yamamoto as incorporated discloses generic control means (see Figures 14A, 14B, and 14C), which are capable of performing the claimed movements. Similarly, Sugata discloses that the shoulder and elbow permit movement only in a generally vertical plane from the position of the joints in Figure 1. Pearce and Sugata suggest raising the frame rails. Additionally, the apparatus of Takeo is capable of performing the functions as claimed.

As to claim 63, the robots of Takeo, Yamamoto, Sugata and Pearce are capable of moving as claimed.

As to claim 65 and 86, Pearce and Sugata as incorporated discloses that the frame rails are mounted on floor engaging legs (see Pearce, Figure 2, Sugata, Figures 1-3, items 52).

As to claim 67 and 87, Pearce discloses that the frame rails are connected by at least one cross support member elevated above the plane of the upper surface of the object.

As to claim 69 and 82, both Pearce and Takeo disclose opposed symmetric robot designs. Takeo as incorporated discloses the capability of symmetric painting.

As to claim 70, 71, 78 and 89, Takeo discloses 6 axes of motion, including the four claimed, and the multiple axes of Takeo allow the shoulder axis to be offset as claimed (column 6, lines 48-64).



Claim 90-95 and 97-101 is rejected based on the same rationale as claims 61, 63, 65, 67, 69-73, 77, 79-82, 86, 87 and 89 above. With respect especially to independent claim 90 and 91, Takeo discloses first and second robot arms, and 6 axes of movement as well as rails on both sides. Yamamoto suggests raising them, and Pearce and Sugata suggest placing them on frames as claimed. See especially the rejection of claims 72, 61, and 81 above for independent claims 90 and 91.

Similarly, with respect to claim 92, Sugata as applied discloses the claimed axes (see Figure 1).

As to claim 94, Takeo, Yamamoto and Sugata disclose paint applicators.

As to claim 95, the robots of Takeo, Yamamoto and Sugata as modified can performed the claimed functions.

With respect to claim 98, Takeo discloses the frame rails, and the robot arms, and the paint applicator. Takeo utilizes rotational axis (swinging, pivoting, etc) for the first and second links (see column 6). Yamamoto suggests raising the robots, and Sugata and Pearce suggest fully elevating the robots.

As to claim 99, Pearce and Sugata suggest supporting guide rails (Sugata, Figures 1-3, item 52) on a frame. Additionally, Yamamoto and Takeo both disclose the multiple carriage and link system via the dual opposed robot approach.

As to claim 100, Takeo discloses a 3-axis wrist (column 6, lines 48-64).

As to claim 101, Takeo fifth and six axes of rotation.

7. Claims 74, 83 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeo, Yamamoto, Sugata and/or Pearce as applied to claims 72, 81 and 91 above, and further in view of Thome (US Patent 5,744,190).

The references as applied above are silent as to the robot arms including a process controller mounted for movement therewith along the associated frame rail.

However, as to claims 72, 83 and 97, Thome discloses that it is known to include process controller (control systems 109a) within the robot bodies. Thome utilizes the process controllers in conjunction with sensors for robot feedback, and one in the art would appreciate that the close proximity of the control device to the sensors reduces the amount of wiring needed between the process control and the sensor. Therefore, it would have been obvious to one of ordinary skill in the art to have utilized such process controls in order to reduce wiring between the robot feedback mechanism and the process control. Furthermore, such a placement would result in the system being mounted for movement along the associated frame rail in the context of the robots used in Takeo (as modified by Yamamoto, Sugata and Pearce).

8. Claims 75, 88 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeo, Yamamoto, Pearce and Thome as applied to claims 72, 81 and 91 above, and further in view of Cebola (US Patent 5,738,727).

As to claim 75, 88 and 96, Takeo, Yamamoto, Sugata, Pearce, and Thome as applied above do not disclose that the cross support member is tubular for receiving cables and conduits connecting the process controllers together.

Cebola discloses that it is known to make structural elements hollow or tubular for receiving cables and conduits connecting the process controllers together. Cebola discloses that shielding these cables protects from electrostatic fields and charges (see column 7, lines 37-45). Therefore, it would have been obvious to one of ordinary skill in the art to make cross beams and support elements tubular or hollow for receiving cables and conduits in order to protect the cables and conduits from electrostatic effects and charges.

9. Claim 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeo, Yamamoto, Sugata, Pearce and Thome as applied to claims 75 and 52 above, and further in view of Neikter (US Patent 5,296,026).

Takeo, Yamamoto, Sugata, Pearce, and Thome as applied to claim 75 above do not suggest that at least one cross support member is tubular and purged with an inert gas or air for explosion protection.

Neikter discloses that it is known for the cross support (item 20) to have a gas permeable tubular element (item 22) surrounding the cross support for generating a positive pressure (see column 4, lines 12-29). Neikter also discloses that the gas presented to the room can be an inert gas such as argon (see column 5, lines 10-17). One in the art would appreciate that this would protect the robots from explosion and prevent chemical interactions with the paint material. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized cross supports which spread inert gas in order to protect the robots from explosion and prevent chemical interactions with the paint material.

10. Claims 64 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeo, Yamamoto and Pearce as applied to claims 61 and 81 above, and further in view of Josefsson (US Patent 5,766,355).

Takeo, Yamamoto, and Pearce as applied to claims 61 and 81 above do not suggest that the frame rails are mounted on walls of a paint booth extending generally parallel to the path of movement. However, Takeo, Yamamoto, and Pearce have been applied to show the frame rails

Josefsson discloses that it is known to have painting robots mounted inside of a paint booth. Josefsson discloses that the use of such a paint booth confines the paint to the chamber, and facilitates collection of the paint overspray (see column 2, lines 40-61). Josefsson discloses that collection of the overspray in a paint booth allows for the later reapplication of the excess paint to subsequent automobiles (see column 3, lines 29- 43), which one in the art would immediately recognize as reducing material costs. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a paint booth with walls (as in Josefsson) in conjunction with the frame rail robot design (of Takeo, Yamamoto and Pearce) in order to confine the paint overspray and facilitate paint re-use, thus reducing paint material costs.

11. Claims 66, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeo, Yamamoto and Pearce as applied to claims 61 and 67 above, and further in view of Cebola (US Patent 5,738,727).

As to claim 66 and 68, Takeo, Yamamoto, and Pearce as applied above does not disclose that either the frame rails are tubular, or the frame rail and cross support member are tubular.

Cebola discloses that it is known to make structural elements hollow or tubular for receiving cables and conduits connecting the process controllers together. Cebola discloses that shielding these cables protects from electrostatic fields and charges (see column 7, lines 37-45). Therefore, it would have been obvious to one of ordinary skill in the art to make cross beams and support elements tubular or hollow for receiving cables and conduits in order to protect the cables and conduits from electrostatic effects and charges.

Cebola as applied above discloses coupling conduits stored with the structural elements (see Figure 4, items 224 and other items).

12. Claims 62, 84 and 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeo, Yamamoto, Pearce as applied to claims 61 and 81 above, and further in view of Hohn et al (US Patent 4,896,274).

Takeo as applied does disclose a 6-axis robot with three of the axes being in a wrist mounting. Takeo, however, is silent as to the capabilities or movements of the 3-axis wrist mounting, and one would expect any conventional 3-axis wrist mounting to be used.

Hohn discloses a known 3-axis wrist mounting (item 27), for use in either adhesive application or paint spraying (column 3, line 36) in automobile industries, which is part of a larger, 6-axis robot, similar to that in Takeo. Takeo discloses two tilting axes (at pivot points 28 and 30), and a *rotating* axis (at point 32, as see column 3, line 65 to column 4, line 16 for discussion of the movements). Hohn recites that these three axes are intended to effect control over the orientation of the tool carried by the manipulator (or robot) with respect to a relocatable point of reference. Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have utilized a wrist having a rotating axis and a tilting axis as in Hohn in order to effect control over the orientation of the tool carried by the manipulator (or robot) with respect to a relocatable point of reference.

***Response to Arguments***

13. Applicant's arguments filed 11/26/2008 have been fully considered but are moot in view of Sugata (US 5,336,321).
14. Sugata discloses substantially the same subject matter as the Nuber reference, and is prior art.
15. Additionally, applicant's appeal brief argued that Pierce does not disclose shoulder axes positioned below the frame. This is unpersuasive, since the entire robot of Pearce is below the frame, including the shoulder axes. Additionally, Sugata places a shoulder nearly parallel to the rail.
16. Applicant's affidavits (by Rob Kuphal, Edward Minch, Douglas Bank, and Martin Rola) alleging commercial success are unpersuasive, because applicant does not show a nexus between the claimed invention and the commercial success. There is no evidence showing that the commercial success is due to a particular claim feature and not the result of . Additionally, the Scott Clifford and Paul Coppioli affidavits are unpersuasive because the affidavit suggests that the market success is related to unclaimed features that have been restricted out (the no-waist element)

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-800-877-8339 and giving the operator the above TDD number. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/George R. Koch III/  
Primary Examiner, Art Unit 1791

GRK  
3/3/09